

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

JUNE 1, 2006

The Marlboro Township Council held its regularly scheduled meeting on June 1, 2006 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Morelli opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 3, 2006; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Cantor (8:10pm), Councilman Pernice, Councilman Rosenthal (8:10pm), Councilwoman Tragni and Council President Morelli.

Also present were: Mayor Robert Kleinberg, Andrew Bayer, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

Council President Morelli opened the Public Hearing on Resolution # 2006-216 (Adoption of 2006 Municipal Budget). Afterh the Public Hearing was held and closed, the following Resolution # 2006-216 (Adoption of 2006 Municipal Budget) was read into the record by Township Business Administrator Judith Tiernan, offered by Councilman Pernice, seconded by Council President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-216

SECTION 2 - UPON ADOPTION FOR YEAR 2006

BE IT RESOLVED by the Mayor and Council of the Township of Marlboro, County of Monmouth that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$16,407,722.93 for municipal purposes.*

* Copies of attached material to be found in regular minute book in Clerk's office.

The following Res. #2006-192/Ord. #2006-15 (Second Reading (Public Hearing held & closed 5/18 - Amend Chapter 84 - Rezoning certain Lots to LC Land Conservation District) was tabled to the July 13th meeting. Motion to table was made by Council President Morelli, seconded by Councilwoman Tragni, and passed on a roll call vote of 4 - 0 in favor of tabling (Absent: Pernice). Councilman Pernice was not present as he recused himself.

Council President Morelli opened the Public Hearing on Ordinance #2006-16 (Growth Share Ordinance. After the Public Hearing was held and closed, the following Resolution Res. #2006-217/Ord. #2006-16 (Growth Share Ordinance) was introduced by reference, offered by Council President Morelli and seconded by Councilman Pernice. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-217

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-16

AN ORDINANCE AMENDING CHAPTER 5, AFFORDABLE HOUSING, OF THE CODE OF THE TOWNSHIP OF MARLBORO TO FACILITATE THE PROVISION OF AFFORDABLE HOUSING IN THE THIRD HOUSING CYCLE IN CONNECTION WITH RESIDENTIAL AND NON-RESIDENTIAL GROWTH AND DEVELOPMENT

which was introduced on May 18, 2006, public hearing held June 1st be adopted on second and final reading this 1st day of June, 2006.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Morelli opened the Public Hearing on Ordinance #2006-17 (Amend Chapter 5 - Affordable Housing - Developer Fees). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution Res. #2006-218/ Ord. #2006-17 (Amend Chapter 5 - Affordable Housing - Developer Fees) was introduced by reference, offered by Council Vice President Cantor and seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-218

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-17

AN ORDINANCE AMENDING CHAPTER 5 "AFFORDABLE HOUSING", ARTICLE III "DEVELOPMENT FEES" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO PROVIDE FOR THE COLLECTION OF DEVELOPMENT FEES IN ACCORDANCE WITH THE ADOPTED HOUSING PLAN ELEMENT AND FAIR SHARE PLAN OF THE TOWNSHIP OF MARLBORO

which was introduced on May 18, 2006, public hearing held June 1st be adopted on second and final reading this 1st day of June, 2006.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Resolutions were tabled to the June 15th agenda: Resolution #2006-195 (Tabled 5/18) Authorizing Agreement - Bluh & Batelli) and Res. #2006-196 (Tabled 5/18) Bond Reduction Rosemont Sections 3 & 4).

Council President Morelli left the room during this resolution. Council Vice President Cantor chaired this portion of the meeting.

The following Res. #2006-219 (Place to Place Transfer BTA, LLC - Pinos Restaurant) was introduced by reference, offered by

Council Vice President Cantor and seconded by Councilman Pernice. After discussion, the resolution was passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2006-219

A RESOLUTION APPROVING THE PLACE-TO-PLACE LIQUOR LICENSE
TRANSFER OF B.T.A., LLC (D/B/A FAMOUS PINO'S LAFORCHETTA)
TO EXPAND ITS LICENSED PREMISES

WHEREAS, B.T.A., LLC (d/b/a Famous Pino's LaForchetta) currently holds Plenary Retail Consumption License #1328-33-008-006 for the premises (excluding the porch area) located at 448 Highway 9 North, Marlboro, New Jersey 07746 (the "Licensed Premises"); and

WHEREAS, B.T.A., LLC submitted an "Application for Retail Alcoholic Beverage License" (the "Application"), which is attached hereto and incorporated herein, seeking the approval of a Place-to-Place Transfer to expand the Licensed Premises to include the porch area as depicted in the floor plan which is part of the attached Application (the "Porch Area"); and

WHEREAS, B.T.A., LLC has caused the required public notice to be published in the Asbury Park Press as confirmed by the attached Affidavit of Publication; and

WHEREAS, the Township Attorney has reviewed the Application and found it to be legally compliant; and

WHEREAS, the Township Council now desires to approve B.T.A., LLC's Application for a Place-to-Place Transfer to expand the Licensed Premises to include the Porch Area.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Application of B.T.A., LLC for a Place-to-Place Transfer to expand the Licensed Premises to include the Porch Area be and hereby is approved and the Municipal Clerk is authorized to take whatever steps necessary to effectuate the expansion of the Licensed Premises in accordance with this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. B.T.A., LLC
- b. New Jersey Division of Alcohol and Beverage Control

- c. Chief of Police
- d. Gluck Walrath LLP

The following Res. #2006-220 (Award of Bid - Food Concession Swim Club) was introduced by reference, offered by Councilwoman Tragni, seconded by Council Vice President Cantor and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2006-220

A RESOLUTION RATIFYING THE AWARD OF A CONTRACT TO HARRY SCHWARTZ, INC. TO OPERATE THE FOOD CONCESSION AT THE MARLBORO SWIM CLUB FOR CALENDAR YEARS 2006 THROUGH 2007 WITH AN OPTION TO RENEW FOR CALENDAR YEARS 2008 AND 2009

WHEREAS, by Resolution #2006-206, the Township of Marlboro authorized the rebidding of the contract to operate the food concession at the Marlboro Swim Club for the calendar years 2006 through 2007 with an option to renew for calendar years 2008 and 2009 and authorized the Business Administrator to award said contract to the lowest qualified bidder, subject to ratification by the Township Council; and

WHEREAS, one (1) bid was received from Harry Schwartz, Inc. of 3 Stone Lane, Marlboro, New Jersey for the following amounts:

Contract Year One Rent (2006)	\$6,500.00
Contract Year Two Rent (2007)	\$6,500.00
Optional Contract Year Three (2008)	\$6,500.00
Optional Contract Year Four (2009)	\$6,500.00
 Total Rent	 \$26,000.00
 Amount Paid To Township Per Attendee for 2006, 2007, 2008 and 2009	 \$.03

WHEREAS, the Township Attorney reviewed said bid and found it to be legally compliant; and

WHEREAS, in accordance with Resolution #2006-206, the Business Administrator awarded the contract to operate the food concession at the Marlboro Swim Club to the lowest qualified bidder, Harry Schwartz, Inc.; and

WHEREAS, the Township Council now desires to ratify the award of said contract to Harry Schwartz, Inc.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the award of the contract by the Business Administrator to Harry Schwartz, Inc. to operate the food concession at the Marlboro Swim Club for calendar years 2006 through 2007 with an option to renew for calendar years 2008 and 2009 be and hereby is ratified for the amounts set forth in the bid proposal submitted to the Township by Harry Schwartz, Inc. which is on file with the Township.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Harry Schwartz, Inc.
- b. Swim Club Executive Director
- c. Recreation Commission
- d. Township Administrator
- e. Township Chief Financial Officer
- f. Gluck Walrath LLP

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilman Pernice, seconded by Council Vice President Cantor and passed on a roll call vote of 5 - 0 in favor: Res. # 2006-221 (Cancellation of Outstanding Checks - Various), Res. #2006-222 (Authorizing Fireworks Display - June 25, 2006), Res. #2006-223 (Authorizing Two Grant Applications - PSAP Communications (Equipment/Maintenance), Res. #2006-224 (Authorizing Drug Alliance Grant/DDER Plan), Res. #2006-225 (Amendment to Bingo License - St. Gabriels Church) and Res. #2006-227 (Authorization to Bid-Secure Our Schools Grant Equipment).

RESOLUTION # 2006-221

WHEREAS, there exist various checks that have been outstanding for more than six months or have been held in the cash reconciliation of the Current Fund, Recreation Trust; and

WHEREAS, these checks have been investigated and it is determined that these checks should be cancelled and the necessary entries be made in the books and records of the Township of Marlboro.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, that the following

checks be cancelled and the necessary entries be made in the books and records of the Township of Marlboro.

CURRENT FUND A/C #2021113910187

CHECK #	AMOUNT	DATE OF ISSUE	PAYEE
43795	\$ 72.00	3/31/05	Treas., State of NJ
44255	\$144.00	5/12/05	Treas., State of NJ

RECREATION TRUST A/C #2030267959425

CHECK #	AMOUNT	DATE OF ISSUE	PAYEE
10152	\$95.00	7/11/05	Joanne Pietrosh

RESOLUTION # 2006-222

RESOLUTION AUTHORIZING THE ISSUANCE OF A FIREWORKS
DISPLAY PERMIT TO BAY FIREWORKS, INC.

WHEREAS, N.J.S.A. 21:3-1, *et. seq.* regulates the sale, exposure for sale, use, distribution or possession of fireworks or pyrotechnics in the State of New Jersey so as to advance the interests of public health, safety and welfare of the people of the State of New Jersey; and

WHEREAS, upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, *et seq.*, and more particularly those set forth in N.J.S.A. 21:3-3, the governing body of any municipality may, by resolution, approve the granting of a permit for said purposes to a qualified organization, when such display is to be handled by a competent operator in the manner approved by the chiefs of the police and the fire departments of the municipality so as not to be hazardous to property or endanger any person or persons; and

WHEREAS, Bay Fireworks, Inc. has applied for a permit to conduct a fireworks display within the Township of Marlboro on June 25, 2006 upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, *et seq.* and in accordance with all applicable administrative code regulations promulgated in accordance therewith, as amended from time to time.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Township Council of the Township of Marlboro, County of Monmouth

and State of New Jersey does hereby grant approval to Bay Fireworks, Inc. to conduct a fireworks display on June 25, 2006 within the Township of Marlboro pursuant to N.J.S.A. 21:3-1, et. seq, and more particularly N.J.S.A. 21:3-3, subject to:

1. Receipt of approval by the Chief(s) of the Police and Fire Department(s) in accordance with the above; and

2. The posting of adequate surety which may be cash, government bonds, personal bond, or other form of insurance in a sum of not less than twenty-five hundred dollars (\$2,500.00), N.J.S.A. 21:3-4.

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized and directed to send copies of this resolution to the following:

1. The Chief(s) of the Police and Fire Department(s).
2. The Fire Prevention Bureau.
3. Township Business Administrator.

RESOLUTION # 2006-223

RESOLUTION AUTHORIZING GRANT APPLICATIONS
STATE OF NEW JERSEY
OFFICE OF INFORMATION TECHNOLOGY

WHEREAS, the Township of Marlboro Police Department desires to apply for two (2)PSAP (Public Safety Answering Point) (911) grants for equipment and maintenance in the amounts of \$285,894.09 and \$35,534.00,

BE IT THEREFORE RESOLVED, that the Township Council of the Township of Marlboro does hereby authorize the application for such funds; and upon receipt of the funding agreements from the State of New Jersey, does further authorize the execution of the funding agreements; and also upon receipt of the fully executed agreements from the State does further authorize the expenditure of funds pursuant to the terms of the agreements between the Township of Marlboro and the State of New Jersey.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreements and any other documents necessary in connection therewith and act as representatives of the aforementioned organization:

- a. State of New Jersey
- b. Township or Marlboro Mayor
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. Township Police Department (Chief and/or Captain)

RESOLUTION # 2006-224

RESOLUTION AUTHORIZING THE MARLBORO TOWNSHIP ALLIANCE TO
PREVENT ALCOHOLISM AND DRUG ABUSE TO APPLY FOR THE
2007 GRANT

WHEREAS, the Marlboro Township Alliance to Prevent Alcoholism and Drug Abuse provides a wide range of educational services to the residents of Marlboro Township for the prevention of alcohol and drug abuse; and

WHEREAS, the Alliance to Prevent Alcoholism and Drug Abuse requires funding from the Monmouth County Board of Alcohol and Drug Abuse Services in order to continue to provide these services to the residents of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro that the appropriate municipal officials be and are hereby authorized to execute the 2007 Renewal Application for Funds and Services on behalf of the Alliance to Prevent Alcoholism and Drug Abuse for the purpose of obtaining funding for the provision of programs for the prevention of and education regarding alcohol and drug abuse, a copy of which is on file in the Township Clerk's office and available for public inspection; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to forward executed copies of the Agreement to the Monmouth County Board of Alcohol and Drug Abuse Services.

RESOLUTION # 2006-225

BE IT RESOLVED by the Township Council of the Township of Marlboro that an amendment to Bingo License # BL:02-05/06 be and it is hereby granted to St. Gabriel's Church Rosary-Altar Society, 100 North Main Street, Marlboro, New Jersey 07746 to allow a change to their conduct of games starting June 19, 2006 through December 18, 2006.

RESOLUTION # 2006-227

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, and/or materials as required by law:

Secure Our Schools Grant Equipment

The following items were carried to the June 15th agenda:
Item # 17 (Liquor License Renewals - July 1, 2006) and Item #18 (Tax Collector Resolutions).

Township Business Administrator Judith Tiernan asked Council to consider setting a special meeting to discuss the capital budget, after which the following Res. #2006-228 (Special Meeting) was introduced by reference, offered by Council President Morelli, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-228

BE IT RESOLVED by the Marlboro Township Council that a "Special" Council Meeting will be held on June 8, 2006 at 7:30 PM at the Marlboro Municipal Complex (New Caucus Room), 1979 Township Drive, Marlboro, N. J. 07746. The purpose of these special meetings is to discuss the capital budget. Citizen's Voice will be limited to 15 minutes. It is anticipated that no action will be taken.
(THIS MEETING WAS SUBSEQUENTLY CANCELLED.)

At 10:35PM, Councilman Cantor moved that the meeting go into executive session for reason of discussing personnel. This was seconded by Council President Morelli and passed on a roll call vote of 5 - 0 in favor. Recess was called and the executive session reconvened at 10:45 PM.

RESOLUTION # 2006-227

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 1st day of June, 2006 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely personnel.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take

approximately 15 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 11:00PM, Council President Morelli moved that the meeting be opened. This was seconded by Councilman Pernice, and as there was no objection, the Clerk was asked to cast one ballot.

At 11:05PM, Council President Morelli moved that the meeting be adjourned. This was seconded by Councilman Pernice, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: July 13, 2006

OFFERED BY: Pernice

AYES: 4

SECONDED BY: Tragni

NAYS: 0

ABSENT: Cantor

ALIDA DE GAETA
MUNICIPAL CLERK

PATRICIA MORELLI
COUNCIL PRESIDENT